

Dr. Annie Bukacek Testimony on Senate Bill 223

Senate Judiciary Committee

January 22, 2009

Mr. Chairman and Members of the Committee

I am an Internal Medicine physician in private practice in Kalispell for over ten years, and prior to that was in Libby for roughly six years. I rise in opposition to this bill. Over the 16 years in Montana I have provided medical care for probably a dozen known homosexuals. Some of them are my primary care patients, that I see fairly regularly. They know where I stand on the issue of homosexuality and especially the homosexual agenda. I am submitting a letter to the editor I wrote that was published in the Flathead Valley's news paper the Daily Interlake 12/19/08. I submit it for the purpose of demonstrating my outspoken views against the homosexual agenda. I have submitted three letters on this topic over the last 7 or 8 years.

Despite my opinion of my patient's homosexuality, I have no less compassion for them. I give them no less quality of medical care and certainly have no hatred for them. The fact that they continue to come to me for medical care, knowing my views, supports my contention that I treat them professionally and compassionately. If their lifestyle is affecting their physical condition, I address it. Regarding the morality of their lifestyle, unless they ask my opinion, I don't give it. Over the years, four have wanted to discuss with me the morality of their homosexuality, two of them over dinner, and I have shown them where the Bible states homosexuality is an abomination. That in no way means that I hate the individual. Quite the contrary, some are very dear to me.

Yet, could I be prosecuted for giving them my opinion, under hate crime legislation? Could they think I was intimidating or harassing them or annoying them or offending them to "cause them reasonable apprehension of bodily injury" as stated in section 2 of this bill. I think it is very possible I would be prosecuted, even though hatred for someone for their homosexuality is totally beyond my capacity. Just look at the vague wording used in the law and the bill, somebody apprehending bodily injury is very subjective in the eye of the beholder. Adding to that, in the case of a patient-physician interaction where it's behind closed door and there's physical contact, the subjective feeling of being threatened could be further enhanced. Then there's the history of how hate crime legislation has been used against people for their words alone. In countries that have adopted hate-crime laws, "hate speech" bans generally go with the package.

I have with me a list of individuals prosecuted in other countries for hate crimes for writing or speaking against homosexuality in a vein similar to mine. Historically, hate crime laws lead to major violations of the rights of freedom of expression and freedom of religion. As in other countries, hate crime legislation here will very likely be used to silence opposition and oppress the rights of millions in this country. This bill needs to be tabled permanently

To quote Thomas Jefferson from his Memorial in Washington DC:

Almighty God hath created the mind free...All attempts to influence it by temporal punishments or burdens...are a departure from the plan of the Holy Author of our religion...No man shall be compelled to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinions or belief, but all men shall be free to profess and by argument to maintain, their opinions in matters of religion.

Are opponents of 'hate speech' laws being overly paranoid?

Some instances of the affects of 'hate speech' laws

Assurances that criminal charges will only apply to the most obnoxious or severe critics of homosexual behavior seem rather weak in light of efforts to limit the freedom of commentators around the world:

- The Rt. Reverend Dr. Peter Forster, Anglican Bishop of Chester, England, was investigated under hate crimes legislation and reprimanded by the local Chief Constable for observing that some people can overcome homosexual inclinations and "reorientate" themselves. (The Telegraph, 10/11/03)
- Swedish Pentecostal Pastor Ake Green was prosecuted for "hate speech against homosexuals" for a sermon he preached citing Biblical references to homosexuality. (Kyrkans Tidning, 01/11/04)
- Belgian Cardinal Gustaaf Joos was sued under that country's discrimination laws for his remarks about the nature of homosexuality and the Catholic Church's teaching published in a Belgium magazine. (CWNews.com, 01/26/04)
- Cardinal Antonio Maria Rouco Varela of Madrid was sued in Spain for preaching against homosexuality in a homily he gave in the Madrid cathedral on the feast of the Holy Family. (Washington Post, 01/03/04)
- In Ireland, clergy and bishops were warned that the distribution of the Vatican's publication on public recognition of same-sex relationships could face prosecution under Irish 'incitement to hatred' legislation. (The Irish Times, 07/02/03)
- Brent Hawkes of the Metropolitan Community Church in Toronto suggested that Vatican statements or a Catholic bishop's commentary on homosexuality are "expressions of hatred."
- On June 15th, 2001, the Saskatchewan Human Rights Board of Inquiry fined Hugh Owens, an evangelical Protestant, and the Saskatoon Star Phoenix \$1,500 for violating the equality rights of three gay men. Mr. Owen's crime? He expressed his opinion on gay and lesbians sex through an advertisement in the Saskatoon Star Phoenix. This advertisement consisted of a pictograph of two men holding hands superimposed with a circle and slash – the symbol of something forbidden – and a list of Bible verses condemning the practice of homosexuality.
- In May 2002, Chris Kempling, a 13-year teacher and counselor in the public school system in British Columbia, was declared guilty of conduct unbecoming a member of the BC College of Teachers. Kempling was reprimanded for writing letters to the editor objecting to the promotion of the homosexual agenda in the public school system. (LSN, June 7, 2002)

HOMOSEXUAL AGENDA

WHY CARE ABOUT SAME-SEX MARRIAGE?

Biblical admonitions against homosexuality are written alongside condemnation of other sexual sins such as fornication and adultery. Since Jesus says lust is adultery, few can claim to have never indulged in sexual sin. There's an important distinction between the individual homosexual sinner (we're all sinners) and the homosexual agenda exemplified by the push for legalized same sex marriage. Mainstream media wants you to believe same sex marriage is a non-threatening civil rights issue. Not so. It poses a dramatic threat to our civil liberties and threatens the foundation and stability of our nation.

The homosexual movement isn't about economic equality; the push for same-sex marriage isn't about marriage. Most homosexuals have above-average incomes, protection from job and housing discrimination, and access to civil unions with insurance and inheritance benefits. Their goal is approval of homosexuality as legally and socially equal to heterosexuality. They demand not just tolerance of homosexual conduct as private sexual behavior, but endorsement and celebration of it as a constitutional right. Ultimately, the objective is to radically redefine our foundational institutions of marriage and nuclear family. These goals, defined for decades, are currently being achieved by one of our most powerful and well funded political lobbies (annual budget over \$50 million).

Their methods: 1. Portraying homosexuals as disadvantaged victims in need of protection, while glamorizing and normalizing homosexual conduct. 2. Vilifying opposers of homosexuality as Nazis, Klansmen, hate-mongers, and generally backwards. 3. Playing down the sexually deviant behavior itself (repugnant to most people), saying homosexual rights are civil rights (embraced by most people), ignoring its infringement on others' civil rights. 4. Silencing traditional views on human sexual morality and marriage by making them federal "hate crimes."

Why is it critical we protect traditional marriage? Primarily for the sake of children. Marriage is more than a contract for obligations, a legitimization of loving feelings or a means for self-fulfillment. It is not primarily a license to have sex, gain social recognition or insurance/property benefits. Civil unions achieve that. Marriage between a man and a woman is sacred and linked to the power of procreation. While governments did not invent marriage, they have historically shown a compelling interest in protecting traditional marriage. Why? Because it is essential for promoting children's physical protection, social identity, training for responsible adulthood, defending them against adverse social influences, and for passing on traditions, morality and values necessary to preserve the stability of society. Recognizing this, married couples in almost every culture have been granted special benefits aimed at sustaining their relationships and promoting the optimal environment for children. The purpose is not to elevate them above others who may share a residence or relationship, but rather to preserve, protect and defend the critical institutions of marriage and family. Children are entitled to the optimal environment of birth to a father and mother committed and faithful to their marital vows. Children given to homosexual couples have little chance of a healthy, safe life or social acceptance.

Recognition and protection of traditional marriage is backed by the US citizenry and their representatives. In 1996, President Bill Clinton signed the Defense of Marriage Act (DOMA), which defined marriage under federal law as between one man and one woman. The act passed the Senate by 85 to 14 and the House by 342 to 67. Most states have passed legislation similar to the DOMA. Massachusetts and California Supreme Courts are the only two that have gone the other direction and then by slim margins—4:3 in both cases, and the majority of Californians disagreed. More than two

hundred years of US legal precedent, thousands of years of human experience, major world religions, studies of biology and psychology--all have backed traditional marriage and identified homosexuality as immoral and sexually deviant. Now a minority of citizenry, backed by a powerful lobby, plan to change the definition of marriage, the most fundamental institution of civilization.

There are other consequences of declaring same sex marriage a civil right. It will bring a glut of government policies to prevent discrimination against same sex couples. We have already seen infringement on freedom of speech, with fines and loss of tax exempt status for religious leaders or organizations speaking against homosexuality. Catholic charities in Boston has stopped offering adoption services because it refused to adopt children to homosexuals. Pressure has been successfully placed on religious schools to provide married housing for same-sex couples, on religious facilities to allow same sex marriage celebrations, on Christian doctors to perform medical procedures that violate their consciences and on student religious organizations to include same sex couples in membership. Once they legally establish same-sex unions as equivalent to heterosexual marriages, the curriculum of public schools will support this claim by teaching marriage defined as a relation between any two adults. This is already occurring in thousands of public schools. Dissenting parent's rights have been further violated disallowing them to remove their children from the classroom. In the absence of abuse or significant neglect, government does not have the constitutional right to intrude on families, landlords, business owners, forcing them under penalty of law to adopt a view of human sexuality counter to their religion. Such intrusions weaken individual families and the culture at large, making it more difficult to pass moral strength and purpose onto the next generation. Endorsement of same-sex marriage widens the cultural gap between marriage and parenthood. As a consequence, in countries where same-sex marriage has been legalized, out of wedlock births, non-married cohabitation, divorce and crime have skyrocketed. Our nation is in grave peril if we don't stop this homosexual agenda that threatens our most fundamental liberties.